

NOTICE OF PROPOSED ACTION

by the

U.S. Environmental Protection Agency (EPA) Region IX

Public Notice #: AZ-07-W-01

Public Notice Date: January 25, 2007

Comment Period Closes: February 24, 2007

The U.S. EPA is issuing a notice of proposed action under the Clean Water Act to reissue a National Pollutant Discharge Elimination System (NPDES) permit NN0028193 to: BHP Billiton Navajo Coal Company, P.O. Box 1717, Fruitland, NM 87416-1717

The BHP Navajo Mine facility is a surface coal mine located southwest of Farmington, NM and provides coal to the APS Four Corners Power Plant. BHP is required to control all surface runoff water with the potential of being contaminated from contact with mining activities. EPA initially issued a NPDES permit to the Navajo Mine on March 28, 1977. The proposed permit incorporates recent regulatory changes to the Coal Mining Point Source Category (40 CFR Part 434) but otherwise does not significantly change the previous permit. Controlled outfalls discharge to Morgan Lake, the Chaco River, and the San Juan River.

EPA is soliciting comments on the proposal. EPA will consider all comments received during comment period before taking final action. To submit comments, or to obtain additional information including the proposed permit and administrative record, please contact:

John Tinger (415) 972-3518 or Tinger.John@epa.gov

EPA Region IX (WTR-5)

75 Hawthorne Street

San Francisco, CA 94105

Website: <http://www.epa.gov/region09/water/npdes/pubnotices.html>